

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CONSTITUTION PARTY OF)
MISSOURI, et al.,)
)
Plaintiffs,)
) Case No. 4:15-CV-207
v.)
)
ST. LOUIS COUNTY, MISSOURI, et al.,)
)
Defendants.)

DEFENDANT ST. LOUIS COUNTY'S MOTION TO DISMISS

COMES NOW Defendant St. Louis County, Missouri ("County"), through counsel, and moves pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss Plaintiff's Complaint because (1) there no longer exists an actual case or controversy for purposes of federal court jurisdiction under Article III and 28 U.S.A. §2201, (2) the abstention doctrine bars federal review of the questions presented herein since such a review would disrupt state efforts to establish a coherent policy regarding matters of substantial public concern, and (3) Plaintiffs have no reasonable expectation that the same wrong will be repeated and lack standing to put forth the claims of future, hypothetical plaintiffs.

Pursuant to Local Rule 7-4.01, Defendant has filed its Memorandum in Support of the Motion To Dismiss contemporaneously herewith, and incorporates the same by this reference.

WHEREFORE, Defendant County respectfully request the Court to dismiss Plaintiffs' Complaint, and grant them any such other and further relief the Court deems fair and appropriate.

Respectfully Submitted,

**PETER J. KRANE
COUNTY COUNSELOR**

/s/Peter J. Krane

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2015, a true and accurate copy of the foregoing
Defendant St. Louis County's Motion To Dismiss was filed and served via the Court's
electronic filing system upon all counsel of record.

/s/ Peter J. Krane
Peter J. Krane